

REMARKS:

This is in response to the Notice of Non-Compliant Amendment mailed September 3, 2008 indicating that the Amendment filed May 8, 2008 in response to the Office Action mailed January 8, 2008 failed to meet the requirements of 37 CFR § 1.121.

For the convenience of the Examiner, arguments and amendments presented in the May 8, 2008 Amendment are reproduced herein.

Applicants believe that all errors are corrected herein. In the interest of time, if further clarification is necessary, Applicants respectfully request that the Examiner telephone the undersigned in order to expedite prosecution of the application.

* * * * *

In the January 8, 2008 Office Action, the Examiner rejected claims 19, 21-25, 29, 31-33, 38, 61, 64, 66-70, 74, 76-78, 83, 109, 111-115, 121-123 and 128. Claims 19, 21, 29, 31, 32, 38, 61, 64, 66, 74, 76, 77, 83, 109, 111, 122 and 128 and the Specification are amended herein. No new matter is presented. Claims 1-18, 26-28, 30, 34-37, 39-60, 62, 63, 65, 71-73, 75, 79-82, 84-108, 110, 116-120, 124-127 and 129-135 remain cancelled.

Thus, claims 19, 21-25, 29, 31-33, 38, 61, 64, 66-70, 74, 76-78, 83, 109, 111-115, 121-123 and 128 are pending and under consideration. The rejections are traversed below.

OBJECTION TO DRAWINGS

In item 5 on page 3 of the Office Action the Examiner objected to the drawings of the present application. In particular, the Examiner indicated that reference characters 6a (Fig. 4) and 21a (Fig. 23) are not mentioned in the description.

By this Amendment, corresponding portions of the Specification is amended to comply with the requirements of § 1.84(p)(5).

Therefore, withdrawal of the objection is respectfully requested.

OBJECTION TO THE SPECIFICATION:

In item 6 on page 3 of the Office Action the Examiner objected to the Specification of the present application. The Specification is amended herein. Further, per Examiner's request for cooperation, Applicants have reviewed the Specification and have herein amended to correct errors.

Therefore, withdrawal of the objection is respectfully requested.

CLAIM OBJECTIONS:

In items 8-13 on page 4 of the Office Action the Examiner objected to claims 19, 61, 64, 66, 77 and 83.

By this Amendment, claims 19, 61, 64, 66, 77 and 83 have been amended, and no longer include the language in the form objected to by the Examiner.

Therefore, withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112:

In item 15 on page 5 of the Office Action the Examiner rejected claim 19, 21-25, 29, 31-33, 38, 61, 64, 66-70, 74, 76-78, 83, 109, 111-115, 121-123, and 128 under 35 U.S.C. §112, second paragraph.

In particular, the Examiner indicated that certain recitations lack antecedent basis and others unclear.

By this Amendment, claims 19, 21-25, 29, 31-33, 38, 61, 64, 66-70, 74, 76-78, 83, 109, 111-115, 121-123, and 128 have been amended and no longer include the language in the form rejected by the Examiner.

At item 23 on page 7 of the Office Action, the Examiner asserts that claim 29 recites omitted structural cooperative relationships between “an object (in line 5)” and “an object (in line 13).” However, “an object” (line 3) refers to an object which is recorded in the recording medium and “an object” (line 7) refers to an object in the motion picture recognized by the server. Thus, the invention of claim 29 includes an object recognized by the server and an object recorded which may or may not be the same object.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 101:

In item 42 on page 11 of the Office Action the Examiner rejected claims 61, 64, 66-70, 74, 76-78, 83, 109, 111-115, 121-123, and 128 under 35 U.S.C. §101 as being directed to non-statutory subject matter.

The Examiner indicates that the claimed storage medium appear to be abstract ideas rather than practical ideas that do not result in physical transformation nor provide useful, concrete and tangible results.

Independent claims 61, 64, 66, 77, 83, 109, 111, 122 and 128 are amended herein to recite, "a computer readable storage medium embodying a program of instructions executable by a machine..." causing operations including transmitting position of the motion picture, receiving information on the object in the motion picture recognized by said server and executing a predetermined process related to the object are performed to control display of the motion picture a useful, tangible, and concrete result. Accordingly, claims 61, 64, 66, 77, 83, 109, 111, 122 and 128 recite a method and system for controlling display of information, a useful, concrete, tangible result.

MPEP §2106 states that subject matter outside patentable statutory subject matter is limited to abstract ideas, laws of nature, and natural phenomena, where the claimed subject matter is not a *practical application or use* of an idea, a law of nature or a natural phenomena. Thus, a claim to an "abstract idea" is non-statutory when it does not represent a practical application of the idea. A claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result (see, MPEP §2106).

Accordingly, a concrete, tangible and useful result is achieved not only by controlling display of information such as a motion picture but also by "recognizing an object" based on a pointing manipulation effected, executing "a predetermined process" related to the object recognized, and reproducing (or outputting) data related to the object recognized so that the display corresponds to or is customized in accordance with the pointing manipulation. (see, State Street Bank & Trust Co. v. Signature Financial Group Inc., 47 U.S.P.Q.2d 1596 (Fed. Cir. 1998)).

Thus, it is respectfully submitted that because independent claims 61, 64, 66, 77, 83, 109, 111, 122 and 128 and dependent claims dependent therefrom satisfy the requirements of 35 USC §101, withdrawal of the rejection is requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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